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November 3, 2022

VIA ECF

Honorable Dale A. Drozd

Re: *Jelly Belly Candy Company v. Klein*
Docket No. 2:22-cv-01509-DAD-JDP

Dear Judge Drozd:

On behalf of Plaintiff Jelly Belly Candy Company (“Jelly Belly”), we write in response to the November 2, 2022 Notice (Dkt. No. 13) filed by Defendant David Klein (“Plaintiff”), claiming that he has not received a copy of the Summons and Complaint by email.

By Minute Order dated October 28, 2022, the Court granted Jelly Belly’s motion for leave to serve Defendant by alternative means, and specifically “authorized [Jelly Belly] to effect service on defendant by emailing defense counsel at farva@jafrilawfirm.com and amna@jafrilawfirm.com and by emailing defendant at the recent email address plaintiff references on page 9 of its motion.” Dkt. No. 12. The email address referenced on page 9 of Jelly Belly’s motion was identified in Exhibit 4 to the Declaration of Eric Wong, filed in support of Jelly Belly’s motion for alternative service. Dkt. No. 10-1, at 16.

As set forth in Jelly Belly’s November 3, 2022 Proof of Service (Dkt. No. 15), on October 28, 2022, counsel for Jelly Belly served the Summons and Complaint on Plaintiff by sending the same to the email addresses referred to in the Minute Order. Accordingly, service of process was effected on October 28, 2022.

Notably, counsel for Jelly Belly did not receive any undeliverable notice in response to the emails effecting service. Moreover, as the Court noted in its Minute Order, service by email as set forth above was “reasonably calculated to provide defendant with actual notice of this pending case” (Dkt. No. 12), and, in fact, Defendant does have actual notice of this action. Notwithstanding the foregoing, we would be happy to provide Defendant with another courtesy copy of the Summons and Complaint via email to another address if he identifies one.

We thank the Court for its continued attention to this matter.

Respectfully submitted,

GREENBERG TRAURIG, LLP

By: /s/ Eric D. Wong

Eric D. Wong

Attorneys for Plaintiff

cc: Defendant David Klein (by UPS)

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